

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # 8

U.S.C.A. # _____

U.S.D.C. # 08-cv-2451

JUDGE: KMW

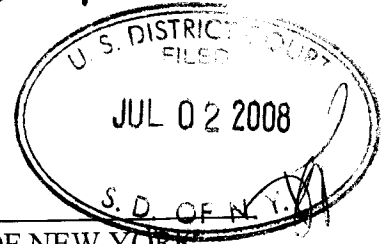
DATE: July 2, 2008

Harris

-v-

Conway

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
ADDRESS: 500 PEARL STREET, ROOM 370
NEW YORK, NEW YORK 10007
PHONE NO.: (212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES -----

| DOCUMENT DESCRIPTION | DOC. # |
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☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 2ND Day of July, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 7, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

| <u>Date Filed</u> | <u>Document Description</u> |
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 2ND Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By 
 Deputy Clerk

APPEAL, CLOSED, HABEAS, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-02451-KMW
Internal Use Only

Harris v. Conway
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Civil Rights Act

Date Filed: 03/11/2008
Date Terminated: 05/28/2008
Jury Demand: Plaintiff
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

| Date Filed | # | Docket Text |
|------------|----------|---|
| 03/11/2008 | <u>1</u> | DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Yusuf Harris.(mbe) (Entered: 03/19/2008) |
| 03/11/2008 | <u>2</u> | PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254..Document filed by Yusuf Harris.(mbe) (Entered: 03/19/2008) |
| 03/11/2008 | | Magistrate Judge Ronald L. Ellis is so designated. (mbe) (Entered: 03/19/2008) |
| 03/11/2008 | <u>3</u> | 60 DAYS ORDER, petitioner's request to proceed in forma pauperis is granted. For the reasons set forth below, however, petitioner is directed to submit an amended petition within sixty (60) days of this order. Accordingly, petitioner is to include allegations regarding why the statute of limitations should not bar this challenge to his 1989 conviction, and to address whether any post-conviction motions were pending between the conclusion of the Ross period on April 24, 1996 and the date the statute of limitations expired one year thereafter. Should petitioner decide to file an amended petition, it must be submitted to this Court's Pro Se Office within sixty (60) days of the date of this order, be captioned as an "Amended Petition" and bear the same docket number as this order. Petitioner is advised that his amended petition will completely replace the petition he originally filed with the Court. A copy of this order must be attached to the amended petition. All further proceedings shall be stayed for sixty (60) days or until petitioner has complied with this order. If petitioner fails to comply with this order within the time allowed, the petition will be dismissed. Once submitted, the amended petition shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case, shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. SO ORDERED. (Signed by Judge Kimba M. Wood on 3/11/2008) (mbe) (Entered: 03/19/2008) |
| 04/28/2008 | <u>4</u> | AMENDED PETITION amending 2 Petition for Writ of Habeas Corpus against James T. Conway.Document filed by Yusuf Harris. Related document: 2 Petition for Writ of Habeas Corpus filed by Yusuf Harris.(dj) (Entered: 04/29/2008) |
| 05/28/2008 | <u>5</u> | ORDER OF DISMISSAL, Accordingly, the petitioners application for a writ of habeas corpus pursuant to 28 U.S.C. 2254 is dismissed as time barred. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. We certify pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 5/28/2008) (jpo) (Entered: 05/29/2008) |
| 05/28/2008 | | Mailed notice of Right to Appeal to Pro Se Litigant(s): Yusuf Harris. (jab) (Entered: 06/02/2008) |
| 05/30/2008 | <u>6</u> | JUDGMENT, Pursuant to the order issued May 28, 2008 by the Honorable Kimba M. Wood, Chief Judge, dismissing the petition under 28 U.S.C. 2254 as untimely, it is ORDERED, ADJUDGED AND DECREED: That the petition be and it is hereby dismissed. 28 U.S.C. 2244(d). As petitioner makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue 28 U.S.C. 2253(c). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 5/28/08) (dt) (Entered: 05/30/2008) |
| 06/10/2008 | <u>7</u> | NOTICE OF APPEAL from <u>6</u> Judgment. Document filed by Yusuf Harris. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 07/01/2008) |
| 06/10/2008 | | Appeal Remark as to 7 Notice of Appeal filed by Yusuf Harris. \$455.00 APPEAL FEE DUE. IFP REVOKED 5/28/-8. COA DENIED 5/28/08. (tp) (Entered: 07/01/2008) |
| 07/01/2008 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 7 Notice of Appeal. (tp) (Entered: 07/01/2008) |
| 07/01/2008 | | Transmission of Notice of Appeal to the District Judge re: 7 Notice of Appeal. (tp) (Entered: 07/01/2008) |